

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

PATENT

#9

In re Application of:

Vincent K. LEE

**FILE COPY**

Group Art Unit: 2674

Serial No.: 09/640,190

Examiner: T. Tran

Filed: August 17, 2000

Atty. Dkt.: LEEV3003/WKP

For: MOUSE CASING WITH LIQUID ORNAMENT

**PETITION UNDER 37 C.F.R. § 1.182**Commissioner for Patents  
Washington, D.C. 20231**ATTENTION: OFFICE OF PETITIONS**

Sir:

**RECEIVED**

OCT 29 2003

Special Program Unit  
Group 2600

This petition is being submitted in response to the notification by the Examiner of record that the patent application file identified above has been reporting as being lost by the U.S. Patent and Trademark Office, and therefore the Examiner cannot act upon the Amendment and Response After Final Rejection that was timely filed by the Applicant on October 2, 2002.

Applicant authorizes the U.S. Patent and Trademark Office to charge the Petition fee required under 37 C.F.R. § 1.17 (h) to Deposit Account No. 02-0200.

Adjustment date: 12/04/2003 ATYSON  
01/03/2003 SLUANG1 00000003 020200 09640190  
01 FC:1460 130.00 CR

In order to avoid any statutory bar, Applicant has concurrently filed herewith a Notice of Appeal and Petition for Extension of Time, copies of which are appended hereto.

Applicant respectfully petitions a full refund of the cost of the Petition under 37 C.F.R. § 1.182 (\$130), Petition for Extension of Time (\$465) and the Notice of Appeal (\$160), since it is impossible for Applicant to further prosecute the pending application

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until the patent application file is recovered or reconstituted. Applicant further petitions that further actions following the Notice of Appeal by the Applicant be held in abeyance until the patent application file is recovered by the U.S. Patent and Trademark Office.

Applicant further petitions that when the patent application file is recovered or reconstituted and the Examiner issues a response to the Amendment and Response After Final Rejection that was timely filed on October 2, 2002, Applicant will be given adequate time (at least one month) to file a response without incurring additional costs for an extension of time.

On November 27, 2002, Applicant's Attorney contacted the Examiner of record as to the status of the application. In reply, the Examiner stated that the Amendment and Response After Final Rejection filed by the Applicant on October 2, 2002 was not yet received by the Patent and Trademark Office. In response, on that same day, Applicant's Attorney sent a facsimile communication which included true copies of the Amendment and Response After Final Rejection that was timely filed on October 2, 2002, including a true copy of the filing receipt card date stamped by the U.S. Patent and Trademark Office on October 2, 2002. True copies of the Amendment and Response After Final Rejection and the filing receipt card are attached hereto to evidence that the above documents were timely filed on October 2, 2002. On December 31, 2002, the Examiner of record telephoned Applicant's Attorney and stated that the U.S. Patent and Trademark Office cannot find the application file and the application file has been reported as being lost.

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In the event there are any outstanding matter in connection with this petition, the undersigned may be reached by telephone or facsimile at the numbers provided below.

Respectfully submitted,  
BACON & THOMAS, PLLC



WONKI K. PARK  
Attorney for Applicant  
Registration No. 38,991

Date: January 2, 2003

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WKP/jfm

S:\Producers\wp\LEE 640190\petition under 1.182 with copy of Amendment AF.wpd

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**BACON & THOMAS**

625 Slaters Lane 4th Fl., Alexandria, VA 22314

PATENT APPLICATION  
(PENDING)

Serial No: 09/640,190

Filed: August 17, 2000

Attorney: LEEV3003/WKP

Applicant(s): Vincent K. LEE

☒ MAILROOM☐ ART UNITSpecial Instructions:

The PTO stamp hereon acknowledges receipt of:

- |  |   |                                   |
|--|---|-----------------------------------|
| <input type="checkbox"/> Amendment and Response                | <input type="checkbox"/> Appeal Brief (Triplicate)  | <input type="checkbox"/>          |
| <input type="checkbox"/> Check for \$                          | <input type="checkbox"/> Priority Document  |                                   |
| <input type="checkbox"/> Issue Fee and Publication Fee         | <input type="checkbox"/> Assignment and Recordation Form  |                                   |
| <input type="checkbox"/> Preliminary Amendment                 | <input checked="" type="checkbox"/> Notice of Appeal  |                                   |
| <input checked="" type="checkbox"/> Extension of Time Petition | <input type="checkbox"/> Substitute Declaration   |                                   |
| <input type="checkbox"/> Terminal Disclaimer                   | <input type="checkbox"/> Information Disclosure Stmtnt. — <input type="checkbox"/> with   | refs.                             |
| <input type="checkbox"/> Reply Brief (Triplicate)              | <input type="checkbox"/> Request for CPA  |                                   |
| <input type="checkbox"/> Sheet of Drawings                     | <input type="checkbox"/> Formal   | <input type="checkbox"/> Informal |
| <input type="checkbox"/> Sm. Entity Statements --              | <input type="checkbox"/> Inv. <input type="checkbox"/> Sm. Bus. <input type="checkbox"/> Non-Inv. <input type="checkbox"/> Non-Profit |                                   |

Cover Sheet



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